

RECEIVED
CENTRAL FAX CENTER

NOV 08 2006

-REMARKS / ARGUMENTS-

Claims 1-10, 12-15 and 25-44 are presently pending in this application.

Claims 42-44 are new. Claim 44 is a new method claim which is supported at least by paragraphs [0034] and [0048]. Claims 42 and 43 are new dependent method claims which are supported at least by paragraph [0048].

Claims 2, 4 and 5 are amended to correct claim objections unrelated to novelty or obviousness.

No new matter is added by the present amendments.

The Office Action states that previously presented claims 27-41 are directed to subject matter that is restricted in accordance with the restriction requirement mailed October 4, 2005. The Applicant withdraws claims 27-41 with traverse.

Rejections of claims 1-5, 7-15, and 25-26 under USC §102(e) in view of Colgan et al. (US 2004/0114859 A1)

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Office Action (OA) states that Colgan et al. teaches all aspects detailed in claims 1-5, 7-15, and 25-26. This is not exact. Particularly, the cited prior art does not include every element of independent claim 1. The OA incorrectly submits that Colgan et al. discloses preparing a "sealed assembly" (referring to Fig. 6(a), items 23 and 24 in Colgan et al.), and polishing a first end of the sealed assembly at an angle (referring to Fig. 6(b) and later to Paragraphs [0068] and [0073]). Colgan et al. does not disclose a

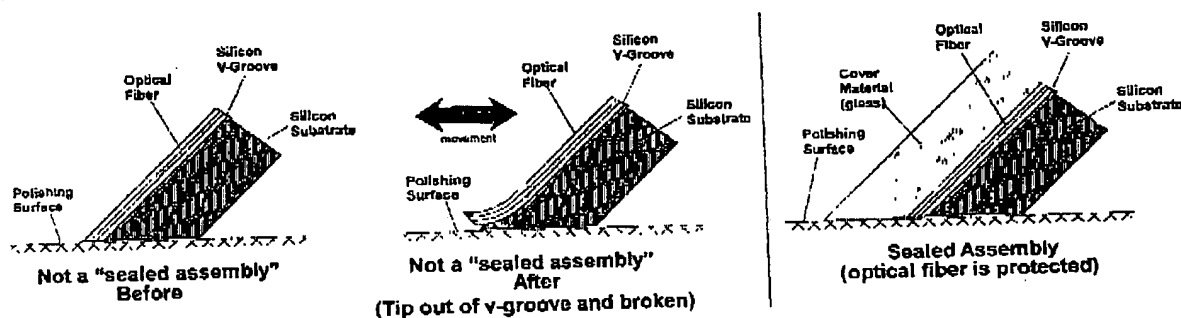
Serial No. 10/625,905
Response to Office Action of August 11, 2006

Agent's Ref. 16005-1US

- 9 -

BEST AVAILABLE COPY

"sealed assembly" as in claim 1. It is clear from Fig. 6(a) and 6(b) that the assembly is not sealed. Paragraph 68 teaches "angled cut end of polished fibers", and Paragraph 73 teaches polishing, grinding and dicing. Colgan only states "polishing to form an angular facet" in Paragraph [0079] and Fig. 10, but never explains the process of polishing such an angular facet in a way that the assembly remains undamaged. In Colgan et al., the unsealed and thus exposed fibers would indeed be damaged during the polishing step. The polishing step in Colgan et al. cannot be done at an angle while the optical fibers are assembled in the V-grooves since the assembly is clearly not sealed. The illustration below should be helpful in providing a better understanding of the issues.



Furthermore, since Colgan et al. does not disclose sealing the optical fibers in the V-grooves, Colgan et al. never discloses ensuring that the optical fibers are well seated in the V-grooves during polishing, as stated in claim 2. The sheet of material used to seal the assembly must be present while the polishing is done as explained above and thus can only be removed once the polishing is done, and in such a way to keep the optical fibers in place (like using a chemical treatment, lapping and polishing, as detailed in paragraph [0059] and stated in new claims 42-43).

The Applicant respectfully submits that Colgan et al. does not anticipate independent claim 1 because the prior art does not teach every aspect of the claimed invention either explicitly or impliedly. Colgan et al. does not either suggest the claimed invention or motivate a person skilled in the art to derive the subject matter of claim 1 and hence

Serial No. 10/625,905
 Response to Office Action of August 11, 2006

Agent's Ref. 16005-1US

claim 1 is also considered non-obvious in light of Colgan et al. Withdrawal of the rejection to claims 1 is respectfully requested.

The foregoing arguments also apply in response to the rejections directed to Claims 2-5, 7-15, and 25-26, which all depend on claim 1. The Applicant therefore submits that Claims 2-5, 7-15, and 25-26 are also novel and non-obvious.

Claim Rejections under 35 USC §103

In view of the above arguments and the claim dependencies, all further rejections directed to claims 6 and 14 under 35 U.S.C. §103 with respect to Colgan et al. in view of either one of Igl et al (US 6,318,902) and Kim et al. (US 2002/0039376 A) are moot.

In view of the foregoing arguments, reconsideration of the rejections and objections of claims 1-10, 12-15 and 25-41 is respectfully requested. The Applicant believes that claims 1-10, 12-15 and 25-44 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,
Rolston, David Robert Cameron

By: 

C. Marc BENOÎT
Registration No. 50,200
Customer Number 020988
OGILVY RENAULT, LLP

Agent's Ref. 16005-1US


Serial No. 10/625,905
Response to Office Action of August 11, 2006

- 11 -

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

C. Marc BENOÎT (Reg. No. 50,200)
Name of person signing certification


Signature

Nov 8, 2006
Date

Serial No. 10/625,905
Response to Office Action of August 11, 2006

Agent's Ref. 16005-1US

- 12 -